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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

|                           |   |  |
|---------------------------|---|--|
| PORTIA LEMMONS,           | ) | No. C 07-1198 MEJ                            |
|                           | ) |  |
| Plaintiff,                | ) |  |
|                           | ) |  |
| v.                        | ) | <b>STIPULATION AND <del>(PROPOSED)</del></b> |
|                           | ) | <b>ORDER TO EXTEND DEADLINES</b>             |
| UNITED STATES OF AMERICA, | ) |  |
|                           | ) |  |
| Defendant.                | ) |  |
|                           | ) |  |

**STIPULATION**

1. On October 31, 2007, the parties stipulated to extend the December 3, 2007 deadline to conduct mediation in this matter to allow for completion of initial discovery necessary for a meaningful attempt at mediation and because plaintiff's counsel was required to travel out of state for another matter.

1        2. On October 31, 2007, the Court filed an order extending the mediation deadline for 90  
2 days.

3        3. The parties agreed to a mediation date of January 24, 2008. A representative for  
4 defendant with settlement authority traveled from St. Louis, Missouri to attend the mediation.  
5 On January 24, 2008, prior to the start of the mediation, the mediator and defendant's counsel  
6 were notified that plaintiff's counsel had been injured in an accident on January 23, 2008, and  
7 would be unable to attend the mediation.

8        4. The mediator appointed to this matter is unavailable during the month of February.

9        5. Currently the following deadlines have been set in this matter:

10        Deadline for ADR Mediation: March 3, 2008

11        Disclosure of Expert Witnesses: March 31, 2008

12        Rebuttal Expert Witnesses: April 10, 2008

13        Discovery Cut-Off: April 25, 2008

14        Dispositive Motions Filing Deadline: May 22, 2008

15        Hearing on Dispositive Motions: June 26, 2008

16        Joint Pre-trial Conference Statement: September 11, 2008

17        Pre-trial Conference: September 25, 2008 at 10:00 a.m.

18        Trial Date: October 27, 2008

19        6. At plaintiff's request, to allow time for plaintiff's counsel to recover from injuries he  
20 sustained during his accident, the parties stipulate to extend the mediation deadline and other  
21 deadlines set in this matter as follows:

22        Deadline for ADR Mediation: May 30, 2008

23        Disclosure of Expert Witnesses: June 30, 2008

24        Rebuttal Expert Witnesses: July 14, 2008

25        Discovery Cut-Off: August 4, 2008

26        Dispositive Motions Filing Deadline: August 21, 2008

27        Hearing on Dispositive Motions: September 25, 2008

28        Joint Pre-trial Conference Statement: December 15, 2008

1 Pre-trial Conference: January 8, 2009

2 Trial Date: February 9, 2009

3  
4 IT IS SO STIPULATED.

5  
6 DATED: February 27, 2008

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

9 \_\_\_\_\_  
10 /s/  
11 JENNIFER S WANG  
12 Assistant United States Attorney

13 DATED: February 27, 2008

DUANE & SELTZER, LLP

14 \_\_\_\_\_  
15 /s/ Dick Duane  
16 Attorney for Plaintiff

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and good cause having been shown, it is ordered that:

1. The deadline for completing mediation in this matter is extended to May 30, 2008.
2. The deadline for disclosure of expert witnesses is extended to June 30, 2008.
3. The deadline for disclosure of rebuttal expert witnesses is extended to July 14, 2008.
4. The deadline for completion of all discovery is extended to August 4, 2008.
5. The deadline for filing dispositive motions is extended to August 21, 2008.
6. The last day for the hearing on dispositive motions is extended to September 25, 2008.
7. The deadline for filing a joint pre-trial conference statement is extended to December 15, 2008.
8. The Pre-trial Conference is continued to January 8, 2009.
9. The trial date is set for February 9, 2009.

IT IS SO ORDERED.

DATED: March 3, 2008

  
MARIA-ELENE JAMES  
United States Magistrate Judge